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## THE QUESTION OF TEXAN JURISDICTION IN NEW MEXICO UNDER THE UNITED STATES, 1848-1850

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Practically every student of American history has heard of the boundary controversy between Texas and New Mexico because of its connection with the famous Compromise of 1850. Most of the general histories of the United States mention the question and its final adjustment,<sup>1</sup> and it has even been intimated that had not President Taylor died at the time he did a civil war would have been precipitated in 1850 as a result of this issue alone. These accounts, however, emphasize only the national phase of the subject, while the local activities of the parties interested in the controversy have been left in the background. This is unfortunate, inasmuch as these local activities played a part in shaping the national phase of the question.

During her short life as an independent republic, Texas claimed the Rio Grande from mouth to source as her western boundary, and even seriously considered the possibility of extending her jurisdiction to include the valuable bay of San Francisco. But the boundary actually claimed meant a direct encroachment upon the territory of the neighboring Mexican states. Since the northern part of the territory thus claimed had long been under the jurisdiction of New Mexico, and even included the capital of that province, the people of the region naturally resented any attempted encroachments. As a result, the first Texan efforts at occupation

<sup>1</sup>The fullest accounts are McMaster, *History of the People of the United States*, VIII, 40-41, and Schouler, *History of the United States of America*, V, 180-184.

ended in failure. But the sting of failure was soon alleviated through the annexation of Texas to the United States, and while that government was planning to adjust the claims it had thus inherited, the question changed from the status of a revolutionary movement under the Mexican government to an international situation. The climax of this transitory stage was reached in the Mexican War, as a result of which New Mexico also became a part of the United States. Thus the question was once more an internal problem, but under a different government, and here it took the form of a three cornered quarrel between Texas, New Mexico, and the central government, in which Texas assumed the aggressive.

*The Problems Involved Under the United States.*—The first problem which presented itself was that of ascertaining the attitude of the United States government, and in this both Texas and New Mexico were naturally interested. Before the American occupation of New Mexico in 1846, the boundary question had not seriously troubled the people of that department. The Santa Fé expedition had, of course, brought an awakening to the possibilities of an encroachment from the east, and its outcome left them opposed to a division of their province by Texas. But they had considered the issue to be between Texas and Mexico rather than between themselves and Texas, and therefore had looked to the supreme government of Mexico to keep their domain intact. Consequently, for them the treaty of Guadalupe Hidalgo meant that the Mexican government was no longer responsible for their territory, and in spite of the declaration of General Kearny that he would hold the department with its original boundaries,<sup>2</sup> they feared that the attitude of the new government under which they found themselves was favorable to Texas. These apprehensions were increased as a result of statements made by President Polk, and they began to feel that unless they took active steps to assert their rights, they were facing territorial disintegration.

For the Texans also, the trend of events in connection with the military occupation of New Mexico and the maintenance of the military government had brought uneasiness. Even before the establishment of peace, President Polk had been compelled to face a question from Texas concerning the jurisdiction of the military

<sup>2</sup>Kearny's proclamation of August 22, 1846, in *House Ex. Doc.* 60, 30th Cong., 1st sess. (Ser. no. 520), p. 170.

government in New Mexico. Information concerning the nature of Kearny's occupation had reached the state officials of Texas through the newspapers, and after looking in vain for a contradiction of the statement that the general government claimed the right of jurisdiction over the region as a conquered country, the authorities began to feel apprehensive over their claims. Accordingly, Governor J. Pinckney Henderson wrote to Secretary Buchanan, asking to be informed concerning the accuracy of the newspaper accounts, especially in regard to any claims of the general government to any portion of the territory lying within the limits of Texas as named in her boundary act of December 19, 1836. He solemnly protested against any action on the part of the United States which might interfere with the rights of Texas, but concluded by saying:

Inasmuch as it is not convenient for the State at this time to exercise jurisdiction over Santa Fe, I presume no objection will be made on the part of the government of the State of Texas to the establishment of a territorial government over that country by the United States, provided it is done with the *express* admission on their part that the State of Texas is entitled to the soil and jurisdiction over the same, and may exercise her right whenever she regards it expedient.<sup>3</sup>

This letter reached Washington early in February, and in the meantime information was also arriving concerning the attitude in Texas which had impelled the sending of the protest. Through their press the Texans denounced the establishment of a separate territorial government over Santa Fé and the surrounding country as a violation of the "compact of annexation," and they professed inability to understand how Polk could reconcile his military movements with his assumption of the Rio Grande as the boundary. They argued that "Santa Fe is equally a part of our annexed territory [on this assumption] as that opposite Matamoros," and yet General Taylor was sent to occupy and defend the latter as United States soil, while General Kearny was sent to conquer and establish a government over the former.<sup>4</sup> A spirit of this nature had to be placated, and in reply to Governor Henderson's letter Polk assured him that the military government in New Mexico was only

<sup>3</sup>Henderson to Buchanan, January 4, 1847, in *Sen. Ex. Doc. 24*, 31st Cong., 1st sess. (Ser. no. 554), p. 2.

<sup>4</sup>*Niles' Register*, LXXI, 305.

such as must necessarily exist under the laws of nations and of war to preserve order and protect the rights of the inhabitants, and that it would automatically cease upon the conclusion of a treaty of peace with Mexico.

But he was now forced to take a stand upon the boundary claims, and he appealed the Texans by stating that nothing could be more certain than that the temporary government would never injuriously affect the right which he believed to be justly asserted by Texas to the whole territory east of the Rio Grande, whenever the Mexican claim to it should be extinguished by treaty. He now absolved himself from any further responsibility on the question by adding that the solution of the problem belonged more properly to the legislative than to the executive branch of the government.<sup>5</sup> This assurance had the desired effect in Texas, with the result that so far as the local boundary question was concerned, all moves toward securing a settlement were suspended until it could be determined what effect the war would have upon the international line of demarcation.

Polk later explained to Congress that under the circumstances a postponement of the settlement was the most plausible solution. It would obviously be impracticable, if not impossible, to determine a boundary line between two nations while they were at war with each other. Therefore, in spite of the fact that New Mexico was under the control of the United States army, since it had never actually been occupied by Texas, and was still claimed by Mexico, it was not yet an undisputed portion of the United States; and even were the Texas claim admitted, no part of the disputed territory could be delivered to it until the international question of ownership was settled.<sup>6</sup> This point of view, as well as the promise in the President's statement to Governor Henderson that the military government legally ceased to exist as soon as peace should be established, led to the expectation in Texas that the territory east of the Rio Grande would immediately be turned over to the jurisdiction of the Texas government. But the practical conditions required the maintenance of some definite form of government over the newly acquired territory, until a legalized civil

<sup>5</sup>Buchanan to Henderson, February 12, 1847, in *Sen. Ex. Doc.* 24, 31st Cong., 1st sess. (Ser. no. 554), p. 3.

<sup>6</sup>Polk's message to Congress, July 24, 1848, in *House Ex. Doc.* 70, 30th Cong., 1st sess. (Ser. no. 521), p. 4.

government could be set up; and for this reason the existing military control was allowed to continue, with no provisions for a change in the extent of its territorial jurisdiction.

In the establishment of a civil government for the acquisition, the problems which had to be met were numerous. In the first place, it was not expedient to attempt to establish a civil government in territory which was claimed by one of the states, while that claim was still unsettled. Moreover, while the territory east of the Rio Grande was conceded in executive circles to rightfully belong to Texas, the fact remained that no constituted authorities from the government of that state were on the ground to establish and maintain her jurisdiction. And since the Mexican population of the region was openly hostile, there was no alternative left for the United States army but to maintain control until either Texas or the central government acted, or else to withdraw, and thereby leave New Mexico in a state of anarchy and without control.<sup>7</sup> From the standpoint of the central government, the power to organize the civil government of the territories of the United States rested solely in Congress. In addition, the President had placed upon the legislative branch of the government the responsibility for settling the question between the United States and the state of Texas. Congress, therefore, had become the potent force which was to determine the nature of the development of the vast southwestern area which had just been acquired, and at this particular period in the history of the United States, no question which came before Congress was able to remain free from an entanglement with the all-pervading issue of slavery extension.

This one was to be no exception, for almost as soon as it became evident that the Mexican War would bring the accession of new territory, the slavery question was introduced by means of the Wilmot Proviso, attempting to prohibit the extension of slavery to any territory which might be acquired with the funds then being granted to the President. The Proviso failed to pass, but it had the effect of bringing the Southern congressmen to openly demand definite legislation establishing the right to carry slaves into any territory which was to be added or organized. The continual recurrence of the sentiment of the Proviso, not only during the war, but also after peace was established, brought a fear that it might ultimately succeed, and consequently limit all possibility of fur-

<sup>7</sup>*Idem*, 4.

ther extension westward by the slavery interests. This led to tactics for delay on the part of the slaveholders, and as a result it was impossible to agree upon the organization of the civil government for New Mexico and California. The military government established by General Kearny continued, therefore, to hold control.

*The Texan Movement to Establish Jurisdiction in 1848.*—As long as this state of affairs existed, the New Mexicans were apparently upheld in their boundary desires, and there was no incentive for immediate action on their part. But since Texas had expected to receive jurisdiction over the territory east of the Rio Grande, she was not inclined to acquiesce in the arrangement. Under the circumstances, therefore, it seemed necessary that she should take the first step toward securing a settlement of the boundary question. No immediate action had followed the activities of Governor Henderson in January, 1847, because of the conciliatory attitude of the administration at Washington. But during its next session the legislature of Texas began to act concerning western jurisdiction.

Early in the session, and even before the status of the territory between the Nueces and the Rio Grande was settled by the treaty of Guadalupe Hidalgo, the new counties of Nueces, Webb, Starr, and Cameron, all of them within this region, were created.<sup>8</sup> The actual work of organizing these counties had already been begun under the supervision of Mirabeau B. Lamar, a former president of the republic, who was now a captain of Texan troops stationed in the region, and considerable opposition had been encountered.<sup>9</sup> The terms of the treaty confirmed the legality of this action, but the legislation soon advanced another step. In a special message to the legislature, on March 2, 1848, Governor George T. Wood, who had succeeded Henderson, called attention to rumors of efforts to establish a state government in New Mexico, and asserted that had the United States government assigned Texan troops to that region, such a move would never have occurred. He warned the legislators that silent acquiescence might be construed into a submission to unauthorized encroachments, and, therefore, he recom-

<sup>8</sup>Gammel, *Laws of Texas*, III, 18, 24, 26, 27, 484.

<sup>9</sup>Lamar to Bliss, July 10, 1847, in *Lamar Papers*, Texas State Library. The election returns from Nueces county showed a total of forty votes, and the list discloses the fact that thirty-seven of the voters possessed Spanish names.

mended that the legislature take some action so that the Texan representatives in Congress might feel authorized to protest against an infringement of Texan rights or a usurpation of any portion of her territory. In addition, he suggested that suitable action be taken for the immediate enforcement of the civil and political jurisdiction of the state over the Santa Fé region.<sup>10</sup>

As a result, on March 15, the county of Santa Fé was created, with boundaries

beginning at the junction of Rio Puerco, with the Rio Grande, and running up the principal stream of the Rio Grande to its source; thence due north to the forty-second degree of north latitude; thence along the boundary line as defined in the treaty between the United States and Spain to the point where the one hundredth degree of longitude west from Greenwich, intersects Red river; thence up the principal stream of Red river to its source; thence in a direct line to the source of the principal stream of the Rio Puerco, and down said Rio Puerco to the place of beginning.<sup>11</sup>

This included practically the entire region of New Mexico to which Texas had laid claim by the boundary act of 1836, and was the first actual legislation since that act that directly affected the territory. Two weeks previously, an act had been passed providing for the control of the militia of the Santa Fé district,<sup>12</sup> and other acts were speedily passed, allowing it one representative in the Texas house of representatives, and establishing the eleventh judicial district of the state, to be composed of the new county.<sup>13</sup> It was provided that court should be held twice a year at Santa Fé, and Spruce M. Baird was sent there to serve as judge for the newly created district, with additional instructions that part of his duty was to be the organization of the new county, and the formal establishment there of the Texan jurisdiction.<sup>14</sup>

In addition to this legislation a resolution was adopted on March 20, which stated that since the people of Santa Fé, which was an integral part of Texas, were believed to have attempted to estab-

<sup>10</sup>*Senate Journal*, 2nd Texas Legislature, 465-468.

<sup>11</sup>Gammel, *Laws of Texas*, III, 95; see also Batts, *Defunct Counties of Texas*, in *THE QUARTERLY*, I, 91.

<sup>12</sup>*Ibid.*, III, 50.

<sup>13</sup>*Ibid.*, III, 96; see also *Niles' Register*, LXXIV, 224.

<sup>14</sup>Davis, *El Gringo*, 110; *Niles' Register*, LXXIV, 211. Bancroft, *History of Arizona and New Mexico*, 455, follows the *Register* by giving this name as Beard, but his own correspondence shows that Baird is correct.



lish a separate government in direct violation of the rights of Texas, the government of the United States was to be requested to issue orders to the military officers at Santa Fé to aid the officers of Texas in organizing the region, and in enforcing the laws of Texas in case resistance should be offered.<sup>15</sup> Governor Wood at once asked that this be done, "to the end that the State of Texas may in no wise be embarrassed in the exercise of her rightful jurisdiction over that territory."<sup>16</sup> After waiting for what he considered a reasonable time for a reply, Wood wrote again in October, expressing the surprise of the people of Texas at the efforts of the United States government to deprive them of territory which had previously been conceded to them. He claimed that the sole reason for leaving the question of boundaries open at the time of annexation was that the United States "might not have to approach the settlement of her actual or prospective difficulties with Mexico, clothed with only a qualified and imperfect power of adjustment." In his opinion, the United States government was simply an agent and trustee for Texas, and as such she could not acquire a right to any territory within limits even claimed by Texas. He pointed out that for Texas the question was one of honor, since she was forced to look to her public domain as her only source of revenue for the payment of the debt she had contracted in the course of her revolution, and for this reason no measure to obtain any portion of her territory south of forty-two degrees or east of the Rio Grande, without ample compensation, would be considered.<sup>17</sup>

When it was learned in Santa Fé that Texas had begun a new movement to extend her jurisdiction over the territory, steps were taken by the authorities to arouse opposition among the people. The principal newspaper of the region, the *Santa Fé Republican*, was controlled by the officers of the military government,<sup>18</sup> and through its columns an effort was made to secure an exciting reception for Judge Baird. It says:

We would now inform our Texas friends that it is not necessary to send us a judge, nor a district attorney, to settle our affairs

<sup>15</sup>Gammel, *Laws of Texas*, III, 218-219.

<sup>16</sup>Wood to Polk, March 23, 1848, in *Austin State Gazette*, November 10, 1849.

<sup>17</sup>Wood to Polk, October 6, 1848, in *Idem*.

<sup>18</sup>Washington to Baird, November 23, 1848, in *Santa Fé Papers*, Texas State Library.

. . . for there is not a citizen, either American or Mexican, that will ever acknowledge themselves as citizens of Texas, until it comes from higher authorities. New Mexico does not belong, nor has Texas even a right to claim her as a part of Texas. We would so advise Texas to send with her civil officers for this country, a large force, in order that they may have a sufficient body-guard to escort them back safe. . . . Texas should show some little sense, and drop this question, and not have it publicly announced that Texas' smartest men were tarred and feathered by attempting to fill the offices assigned them.<sup>19</sup>

Baird started from Texas on May 24, 1848,<sup>20</sup> going by way of St. Louis,<sup>21</sup> and arrived in Santa Fé on November 10.<sup>22</sup> After investigating the situation, he wrote to Colonel John M. Washington, the commanding officer at Santa Fé, and ex-officio civil and military governor of New Mexico, expressing his surprise at finding the military authorities still in control there. He inquired if the government established by General Kearny had not come to an end with the ratification of the treaty with Mexico, thereby giving Texas the right to assume civil jurisdiction over the region. At the same time he presented his commission from Governor Wood, together with the laws upon which his authority was based, and added that for the future "the State of Texas must regard all judicial proceedings, and the exercise of all civil functions inconsistent with her laws and constitution, null and void."<sup>23</sup> Washington at once replied that the government established by General Kearny had been declared by the President to continue to exist after the ratification of the peace terms, and added that it was his intention to maintain its existence "at every peril" until ordered by either the executive or the legislative power of the United States to desist.<sup>24</sup>

On the following day he returned the documents which had been submitted by Baird, with an accompanying statement that when they appeared at the proper time before the proper tribunal they would undoubtedly receive consideration in the way of estab-

<sup>19</sup>*Niles' Register*, LXXIV, 224.

<sup>20</sup>*Nacogdoches Times*, May 27, 1848.

<sup>21</sup>Baird to Miller, September 22, 1848, in *Santa Fé Papers*, Texas State Library.

<sup>22</sup>Baird to Miller, November 10, 1848, in *Ibid.*

<sup>23</sup>Baird to Washington, November 22, 1848; Baird to Miller, September 21, 1849, in *Ibid.*

<sup>24</sup>Washington to Baird, November 22, 1848, in *Ibid.*

lishing the Texan claims. Then in reply to a suggestion from Baird that he would publish a proclamation announcing the purpose of his mission, Washington stated that the press of Santa Fé "belongs to the General Government and must of course be under its control."<sup>25</sup> Baird now felt that further progress was blocked, and reported to the officials in Texas that he could do nothing until the question of jurisdiction could be settled in Congress, unless he received further instructions from the governor, or Washington received new orders from the President.<sup>26</sup> Consequently he turned his attention to the natural resources of the region, and in company with seven other Texans and Americans, applied to the governor of Texas for authority to operate certain valuable saline deposits lying in the territory between the Rio Grande and the Pecos, below Santa Fé.<sup>27</sup> To Governor Wood he explained that this was for the purpose of recovering the financial loss he had suffered in going to Santa Fé. At the same time he submitted a report upon the conditions in the region, together with a suggestion for opening a direct route from San Antonio to Santa Fé in order to facilitate communications between the two portions of the state.<sup>28</sup>

He then began to make plans to leave Santa Fé early in the spring of 1849,<sup>29</sup> but in March the preparation by some of the army officers stationed in New Mexico, of newspaper articles which he considered to be derogatory to the claims of Texas, led him to reopen a correspondence with Colonel Washington. He warned Washington that if these were published, he would hesitate no longer to assert the Texan claims, and would inform the people of New Mexico as to the correct situation.<sup>30</sup> His subsequent reports indicate that the information which he planned to divulge to the people was the fact that they were being received concerning the real aims of the Texans, simply because the men who had "grown into officials in the breath of a moment" as a result of the establishment of the Kearny government were reluctant to give up the influence of the patronage which they now possessed.<sup>31</sup> In

<sup>25</sup>Washington to Baird, November 23, 1848, in *Ibid.*

<sup>26</sup>Baird to Miller, December 10, 1848, in *Ibid.*

<sup>27</sup>McNees, Baird, and others to Miller, December 7, 1848, in *Ibid.*

<sup>28</sup>Baird to Wood, December 18, 1848, in *Ibid.*

<sup>29</sup>Boyers to Miller, February 6, 1849, in *Ibid.*

<sup>30</sup>Baird to Washington, March 21, 1849, in *Ibid.*

<sup>31</sup>Baird to Miller, September 23, and October 20, 1849, in *Ibid.*

order to prevent this, Washington attempted to persuade Baird that the articles in question could not be considered as having any effect upon the Texan claims, and expressed a wish that the matter should rest until they could act jointly, "when the thing can be arranged without difficulty."<sup>32</sup> Baird proceeded, however, to print proclamations claiming exclusive jurisdiction for Texas,<sup>33</sup> but in the end allowed himself to be persuaded by the military governor to suspend their circulation until Congress could be heard from.<sup>34</sup> The absence of new instructions from his own government was also a factor in bringing about his decision to wait. His activities at this time, however, did have the effect of causing the suppression by Washington of the articles in question.<sup>35</sup>

The receipt of this information in Texas led Governor Wood to appeal once more to the chief executive of the nation. He reviewed the situation once more, complaining at the failure of Polk to answer his earlier letters urging President Taylor to offer to Baird such assistance as might seem consistent with the obligations of the federal government and the rights of Texas; and concluding with a request for an early reply in order that the views of the general government might be submitted to the Texas legislature in the following November.<sup>36</sup>

During the first week in April, Baird received indirect information which led him to believe that Congress had agreed to Texan jurisdiction over New Mexico, and immediately notified Washington that all judicial proceedings under the military authorities would be void if continued under these circumstances.<sup>37</sup> He was once more prepared to proceed to accomplish the organization of the region, but once more Washington was equal to the occasion, and succeeded in persuading him to postpone action until the arrival of official information.<sup>38</sup> This left the advantage on the side of the military authorities when authentic reports disclosed the fact that Congress had failed to reach a decision, and once

<sup>32</sup>Washington to Baird, March 21, 1849, in *Ibid.*

<sup>33</sup>Baird to Miller, November 6, 1849, in *Ibid.*

<sup>34</sup>Baird to Wood, March 30, 1849, in *Ibid.* Also *Nacogdoches Times*, June 23, 1849.

<sup>35</sup>Baird to Miller, November 6, 1849, in *Ibid.*

<sup>36</sup>Wood to Taylor, June 30, 1849, in *Austin State Gazette*, November 10, 1849.

<sup>37</sup>Baird to Washington, April 5, 1849, in *Santa Fé Papers*, Texas State Library.

<sup>38</sup>Washington to Baird, April 5, 1849, in *Ibid.*

more Baird found himself waiting for a new opportunity to move.

In the meantime his communications of the previous fall were beginning to reach the officials in Texas, and on April 14, Washington D. Miller, secretary of state in Texas, informed him that it was expected that the obstacles presented as a result of the military occupation would soon be removed. He was therefore told to "labor to conciliate the people of that remote frontier," in order that they would be ready to consent to the organization of the region as soon as the military officials were out of the way.<sup>39</sup> A new proclamation for calling an election in Santa Fé county was then forwarded to him, and on June 18, he prepared this for circulation. In it the people were informed of the legislative act creating the county, and were told that "henceforward, the civil and criminal jurisdiction over said county, legitimately, will be assumed and exercised by the authorities of the State of Texas only, and the citizens will be required to yield obedience thereto."<sup>40</sup> Before circulating the proclamation, however, he notified Colonel Washington of its receipt, and of his plans to issue writs of election immediately. In the personal conference which followed, Washington convinced him that he could not possibly make the returns of an election in time to prevent all except the votes for county officers from being null, and that this fact would have a bad effect upon those who voted.<sup>41</sup> He agreed, therefore, to suspend operations until he could be further advised,<sup>42</sup> and in return, Washington assured him that nothing should be authorized by the military governor "which would wrongly prejudice the claims of Texas."<sup>43</sup>

Feeling that he had accomplished all that was possible under the circumstances, and relying upon Washington's assurances, Baird now decided to leave Santa Fé for a time. To his own government he reported that the men who were opposed to the claims of Texas in the region were "actuated solely from a desire

<sup>39</sup>Miller to Baird, April 14, 1849, in *Ibid.*

<sup>40</sup>A copy of this proclamation is in the *Santa Fé Papers*.

<sup>41</sup>Baird to Miller, September 21, 1849, in *Ibid.*

<sup>42</sup>Baird to Washington, July 4, 1849, in *Ibid.*

<sup>43</sup>Washington to Baird, July 4, 1849, in *Ibid.* In reporting this answer to Miller, Baird says, "I felicitate myself that I am advanced in the Colonel's estimation since my first communication, from an Esquire to a Judge, and from that you may form perhaps a correct estimate of the rise of Texas stock during the winter." Baird to Miller, September 21, 1849, in *Ibid.*

to figure as public functionaries themselves," and therefore, that he entertained no doubt as to his ability to organize under the jurisdiction of Texas when the military government established by Kearny should be removed.<sup>44</sup> In support of his opinion he stated that General Armijo, whom he considered as the leading man of the region, "espouses our cause with great zeal."

*The Struggle for Civil Government in New Mexico.*—During this same period the people of New Mexico had likewise become active. When it was found that the legislature which had been provided for in the Kearny Code was powerless if any of its measures did not meet the approval of the military commander, no effort was made to hold a second meeting, and dissatisfaction began to develop.<sup>45</sup> It was felt that the stipulations of the code and of the treaty of Guadalupe Hidalgo had given them the right to a civil government, and a movement was begun to have the military control replaced by a territorial form of government. The President had advised that they should live peaceably and quietly under the military government until Congress could act deliberately and wisely.<sup>46</sup> Senator Thomas H. Benton assumed a different point of view, however, and in August, 1848, he addressed a letter to the people of both California and New Mexico, suggesting to them that since they had no civil government, the best move to make would be to provide for themselves a simple form of government until Congress should provide one for them. He believed that they would need only a governor, judges, and peace and militia officers, and very little in the way of laws.<sup>47</sup>

Following this suggestion, a convention met at Santa Fé on October 10, 1848, and formulated a petition to Congress, asking for the establishment of a civil government of a territorial nature, and stating, among other subjects, that they were opposed to slavery, and that they firmly protested against the dismemberment of their territory in favor of Texas, or for any other cause.<sup>48</sup> It was exactly one month later that Baird arrived in Santa Fé, and he reported that even then "the convention excitement was still alive, and there was much dissatisfaction as to the manner in which

<sup>44</sup>Baird to Miller, September 21, 1849, in *Ibid.*

<sup>45</sup>Baird to Miller, September 23, 1849, in *Ibid.*

<sup>46</sup>Prince, *New Mexico's Struggle for Statehood*, 6.

<sup>47</sup>*Niles' Register*, LXXIV, 244.

<sup>48</sup>*Congressional Globe*, 30th Cong., 2nd sess., 33.

it had been gotten up and conducted, both among the Mexicans and Americans.”<sup>49</sup> According to the accounts given to him by the people, the movement was planned in secret by those holding, or desiring to hold office under the military government. Only five days notice was given for the election of delegates, and “poll books were made out and distributed to the various precincts headed with the names of those whose election was desired by the conclave.” It was to this cause that Baird attributed the protest against the Texan claims. He accounted for the anti-slavery statement on the grounds that discord in the convention caused the withdrawal of enough delegates to reduce the number below a quorum, and thus disappointment caused those remaining to draw up this resolution in the hope of enlisting the abolitionist sympathies on their side.<sup>50</sup>

But at the same time that these New Mexicans were engaged in formulating this petition, opposing the division of their territory, Secretary of War Marcy, following instructions from President Polk, was writing to the commanding officer of the United States forces at Santa Fé, to inform him that the national government had not contested the claim of Texas to all the territory east of the Rio Grande. He also stated that any civil authority which Texas had established, or might establish in the region, was to be respected, and in no manner interfered with by the military forces in that department, unless their aid might be needed to sustain it.<sup>51</sup> In giving these instructions, Polk stated that he deemed them necessary because of the danger that the military officers at Santa Fé might come into collision with the authorities of Texas. He added also that he had not changed his opinion as expressed in his message of July 24, to Congress, concerning the right of Texas to jurisdiction over all that part of New Mexico east of the Rio Grande.<sup>52</sup> Two months later these same instructions were sent to General William J. Worth, who was in command of the eighth and ninth military departments, composed of Texas and New Mexico, respectively.<sup>53</sup>

<sup>49</sup>Baird to Miller, September 30, 1849, in *Santa Fé Papers*, Texas State Library.

<sup>50</sup>Baird to Miller, September 23, 1849, in *Ibid.*

<sup>51</sup>Marcy to Commanding officer at Santa Fé, October 12, 1848, in *House Ex. Doc. 17*, 31st Cong., 1st sess. (Ser. no. 573), p. 261.

<sup>52</sup>Quaife (editor), *Diary of James K. Polk*, IV, 150-151.

<sup>53</sup>Marcy to Worth, December 10, 1848, in *House Ex. Doc. 17*, *op. cit.*,

But on March 4, 1849, a new administration came into power, and among the early acts of the new Secretary of War, George W. Crawford, was the writing of a letter to the commanding officer at Santa Fé, reproving him for failure to report to the department concerning the management of affairs in New Mexico. He then repeated the instructions sent out by Secretary Marcy, concerning the boundary question, but added that it was not expected that Texas would undertake to extend her civil jurisdiction over the remote region designated.<sup>54</sup> This letter indicates that the new secretary was not informed as to the actual situation which had already developed in connection with the Texan activities of the previous year. A warning was added, however, that in case Texas should make a move to occupy the region, the commanding officer should be careful not to come into conflict with her authorities, and should likewise refrain from expressing an opinion upon the validity of her claims. This meant a slight change from the policy of the preceding administration. Marcy's instructions had indicated that if it seemed necessary, the military authorities were to aid in sustaining Texan jurisdiction, or in other words, they were to remain neutral only so long as the Texan interests seemed to be safe.

While the Marcy instructions were still the order to follow, Colonel Washington had written to the adjutant general that "To avoid embarrassment in regard to recognizing the jurisdiction of the authorities of Texas over a large portion of this territory, it is very desirable that Congress should act in the matter before the demand is made."<sup>55</sup> He was already facing the problem as a result of the presence of Baird, and was divided between his interest in maintaining his position with the office holders of the region, and the possible necessity of assisting Baird in accordance with the Marcy orders. His own inclinations apparently led more strongly toward the former, so for this reason Crawford's letter

p. 271. The general orders to the War Department had made the division between the two departments, a line running from the Rio Grande near El Paso, directly to the Red river at the mouth of Choctaw creek, in the vicinity of the one hundredth meridian, thus dividing the territory claimed by Texas. See *House Ex. Doc.* 1, 30th Cong., 2nd sess. (Ser. no. 537), p. 178.

<sup>54</sup>Crawford to Commanding officer at Santa Fé, March 26, 1849, in *Ibid.*, 272.

<sup>55</sup>Washington to Jones, February 3, 1849, in *House Ex. Doc.* 5, 31st Cong., 1st sess. (Ser. no. 569), p. 105.



absolving him from the responsibility of rendering sustenance to Texas, was a relief for him, even though he was to maintain a neutral position.

During the summer of 1849 the movement to secure a civil government in New Mexico was renewed, and in September, in answer to a call issued by Lieutenant-Colonel Benjamin L. Beall, who was acting governor in the absence of Colonel Washington, a convention met at Santa Fé to draw up a new petition to Congress. Beall made this call as a result of a series of resolutions drawn up on August 22, and presented to him by a group of Americans,<sup>56</sup> and on September 10, each of the seven counties of New Mexico<sup>57</sup> named delegates who were to meet on September 24. A considerable faction of the population, led by the military officers, was in favor of establishing a state government, but to this the civil officials were opposed, and here the influence of the instructions from the War Department was felt. The advocates of state government feared that the raising of the question at this time might bring a recognition of the Texan claims, and in order to decrease the probability of a forced connection with that state they were willing to postpone action.<sup>58</sup>

This convention, therefore, declared itself in favor of a territorial, rather than a state form of government, drew up a territorial code of laws, and elected Hugh N. Smith, a Texan, as delegate to Congress, with instructions to secure some sort of Congressional action. The members voted that the division of counties should not be changed except by action of their own legislature. But their definition of the boundaries of the territory is significant. A resolution was passed instructing the delegate to Congress to define the territory as bounded on the north by the Indian

<sup>56</sup>Accounts of these proceedings were copied from the *Santa Fé Republican* by Baird, and enclosed with Baird to Miller, October 20, 1849; in *Santa Fé Papers*, Texas State Library.

<sup>57</sup>By a decree issued July 17, 1844, the department of New Mexico had been divided into the counties of Bernalillo, Rio Arriba, San Miguel, Santa Ana, Santa Fé, Taos, and Valencia, all of which included territory on both sides of the Rio Grande. *Sen. Ex. Doc.* 41, 30th Cong., 1st sess. (Ser. no. 505), p. 478; also Bancroft, *History of Arizona and New Mexico*, 311-312. In the *Bancroft Collection*, University of California, is a "Map of New Mexico with Pueblos as noted by Calhoun, 1850," which shows the boundaries of these counties as conceived by James S. Calhoun, the United States Indian agent in New Mexico.

<sup>58</sup>Calhoun to Brown, November 2, 1849, in Abel (editor), *Official Correspondence of James S. Calhoun*, 70.

territory, on the west by California, on the south by the boundary line between the United States and Mexico, and on the east by the state of Texas.<sup>59</sup> When it is recalled that to the leaders in New Mexico the question of how far to the west the state of Texas extended, was one of the important issues, this failure to specify a definite boundary on that side would indicate that the inhabitants were now ready to follow the suggestion which had been made by President Polk, and to turn the question of the disputed jurisdiction over to Congress to be settled.

But before any results could be obtained from this movement, President Taylor had announced himself as favoring the granting of statehood to both California and New Mexico. Acting upon this policy, Secretary Crawford wrote to Lieutenant-Colonel George A. McCall, who was leaving Washington to join his regiment in New Mexico, informing him that if the people of New Mexico desired to take any steps toward securing admission as a state, it would be his duty, and the duty of others with whom he would be associated, "Not to thwart but advance their wishes," since it was their right to ask for admission.<sup>60</sup>

Two months later, in complying with a request from the House of Representatives for information on the subject of California and New Mexico, President Taylor took advantage of the opportunity to state his views officially, and here he expressed regret that New Mexico had not already been admitted as a state, in order that the boundary question with Texas might be settled by a judicial decision. Since that had not been done, however, he agreed with his predecessor that Congress alone possessed the power of adjustment, and he questioned the expediency of attempting to establish a territorial government there before making such an adjustment.<sup>61</sup> But Congress was already deeply involved in debate over the question, and this message had little effect, other than to furnish new fuel for discussion.

*The Question of Control in the El Paso District.*—In spite of the attitude which was being manifested in New Mexico, however, new troubles over the jurisdiction were close at hand; for almost

<sup>59</sup>The proceedings of the convention are in *House Ex. Doc.* 17, 31st Cong., 1st sess. (Ser. no. 573), pp. 93-104; available also in *Historical Society of New Mexico, Publications*, No. 10.

<sup>60</sup>Crawford to McCall, November 19, 1849, in *Ibid.*, 280-281.

<sup>61</sup>Taylor's message to Congress, January 21, 1850, in *Ibid.*, 3.

at the same time that the convention of September, 1849, was in session at Santa Fé, Major Jeff Van Horne, a new officer, stationed opposite El Paso, was writing for information as to whether the laws of New Mexico should be enforced at his post. This region was included in the ninth military department, which had its headquarters at Santa Fé, but under Mexican control it had been in Chihuahua, and was now in territory which was included in the Texas boundary act of 1836. It was now a part of the county of Santa Fé, as organized by the Texas legislature, and a group of Texans under the leadership of R. Howard, who claimed to be a legally appointed surveyor for the Texas government, was busy locating Texas claims in the salt deposits of the region. These men claimed the exclusive right to use the salt, or to levy a tax on any others who used it, while at the same time the New Mexican prefect for this district was asking Van Horne to aid him in enforcing the collection of taxes there for New Mexico.<sup>62</sup> Being new to the district, Van Horne was not familiar with the facts of the controversy between Texas and New Mexico, nor with the instructions which had been issued, and he therefore refused to pass judgment until he could receive instructions from the commander of the department.

By the time his inquiry reached Santa Fé, Colonel Washington had been superseded as commander and ex-officio governor of New Mexico, by Colonel John Munroe,<sup>63</sup> and the new commander seems to have been as thoroughly ignorant of the situation, and of the attitude of the government, as was Van Horne himself. He sent the data to the adjutant general of the army, that they might be submitted to "the proper department of the government at Washington, with the view of having the question of jurisdiction determined."<sup>64</sup> Instead of waiting for a reply from the government, however, he wrote to Van Horne that since there was a portion of the territory in question over which no civil authority had been established by either Texas or New Mexico, he deemed it advisable, in order that the people might have the protection of civil laws and magistrates, that the military authority should sustain

<sup>62</sup>Van Horne to Munroe, September 23, 1849, in *Sen. Ex. Doc.* 56, 31st Cong., 1st sess. (Ser. no. 561), p. 3.

<sup>63</sup>General Order No. 3, War Department, May 26, 1849, in *Sen. Ex. Doc.* 60, 31st Cong., 1st sess. (Ser. no. 561), p. 2.

<sup>64</sup>Munroe to Jones, November 21, 1849, in *Sen. Ex. Doc.* 56, *op. cit.*, pp. 2-3.

the civil jurisdiction of the territory of New Mexico, and aid her officials in the execution of their duties until such time as Texas should assume civil jurisdiction, or until the boundary between Texas and New Mexico should be finally settled.<sup>65</sup>

It seems incredible that Munroe could not have had access to Secretary Crawford's letter enjoining strict neutrality, but this letter to Van Horne indicates a complete lack of knowledge that such instructions had ever been issued to the department under his command. In answer to his letter to the adjutant general, he was curtly informed that "The jurisdiction over the soil east of the Rio Grande, claimed by Texas and New Mexico, cannot be settled by this department. The commanding officer must refer to and abide by instructions previously given on this subject."<sup>66</sup> This letter and one from Munroe to the War Department, enclosing a copy of his instructions to Van Horne,<sup>67</sup> seem to have passed each other somewhere between Santa Fé and Washington, and the receipt of the latter by the department officials brought prompt action in the form of a caustic letter to Munroe, which virtually amounted to a reprimand for "manifestly assuming to decide the question of the territorial jurisdiction of Texas," and informing him that "it is deemed necessary distinctly to repeat, for your guidance on this occasion, what the department has often stated, that the executive has no power to adjust and settle the question of territorial limits involved in this case."<sup>68</sup>

A glance at the dates of the letters in this set of correspondence will reveal the lack of promptness on the part of the government agents of this period, as well as some of the handicaps to which the officers in the remote outposts were subjected. Van Horne's letter to Munroe, asking for instructions, was written from the El Paso district, September 23, 1849. It was not forwarded from Santa Fé to the War Department until November 21, while it was not until December 28 that Munroe wrote his answer to Van Horne, and still another week passed before he sent a copy of this letter to Washington. In the meantime, until the arrival of Munroe's second letter, action was equally slow in Washington, for the answer to the letter of November 21 is dated February 15, 1850,

<sup>65</sup>Munroe to Van Horne, December 28, 1849, in *Ibid.*, 4-5.

<sup>66</sup>Jones to Munroe, February 15, 1850, in *Ibid.*, 3-4.

<sup>67</sup>Munroe to Jones, January 3, 1850, in *Ibid.*, 4.

<sup>68</sup>Jones to Munroe, March 8, 1850, in *Ibid.*, 5-6.

and in all probability it did not reach Van Horne for at least six months after his request for instructions. Much could take place in that period of time; and as a matter of fact, much had happened before the correspondence was ended.

*The Renewal of Activities by Texas.*—During the fall of 1849, while these developments were in progress in New Mexico, Texas had no official agent in the region. Baird was now in Missouri, and from there was sending reports to the officials in Texas concerning the results of his mission, together with such information as he could secure upon the course of events after his departure from New Mexico in July.<sup>69</sup> Earlier information which had come from him aroused considerable resentment in Texas, and in the campaign of 1849 for the election of a governor, Wood was opposed for re-election by P. Hansborough Bell, who advocated action by Texas. Bell was elected, and almost immediately he began to receive applications for permission to raise companies of soldiers for the purpose of occupying New Mexico.<sup>70</sup>

In his final annual message to the Texas legislature, on November 6, 1849, Governor Wood referred to the opposition which Baird had received in New Mexico, but stated that no official report had been received from him at that time, nor had he received a reply for his letters to either Polk or Taylor.<sup>71</sup> This situation, he told the legislators, "imposes upon you the necessity of adopting energetic and efficient measures to protect the rights of your State and acquit herself of what is due to her honor and dignity." Since a previous effort to legislate Texas into possession had apparently failed, he felt that the question had now become one "with which there should be no temporizing, for the sooner the issue is made the sooner will the question be adjusted." He therefore recommended that the governor be given ample power and

<sup>69</sup>These reports were made in seven letters to Washington D. Miller, Texan secretary of state, written at irregular intervals from September 21 to November 6, 1849, and are now in the *Santa Fé Papers*, Texas State Library.

<sup>70</sup>Copies of these letters are in the *Santa Fé Papers*. By the fall of 1850, Bell had received dozens of such letters, many of them from other southern states. Most of them are checked as having been answered October 18, 1850, by C. A. Harrison, private secretary to the governor.

<sup>71</sup>This would indicate that Bancroft, *History of the North Mexican States and Texas*, II, 398, is in error in stating that Wood was notified by the authorities at Washington that any attempt at forcible occupation of New Mexico would be considered as an intrusion.

means to raise the proper issue and contest it, "not by demonstrating in argument the justice of our claims, nor by reference to our statutes, but with the whole power and resources of the State."<sup>72</sup> In addition to this, he suggested that a commissioner be sent to Washington as soon as some plan should be adopted, in order to show the federal government that Texas was in earnest.

This portion of the message was submitted by the lower house of the legislature to its committee on federal relations, and this group, on November 13, reported a resolution giving the governor the power and means to send a special commissioner to Washington, to "ascertain the exact views of the Federal Government, in relation to the county of Santa Fe, in time to lay the same before the Legislature during their present session." Further action upon the subject was to be suspended until this report could be received.<sup>73</sup> Before action could be taken upon this resolution, the senate, on November 14, began the consideration of a resolution providing for a special joint committee of the two houses to prepare a protest against the further continuance of the military government at Santa Fé, to be laid before Congress.<sup>74</sup> This resolution was adopted, and was agreed to by the lower house on November 23.<sup>75</sup> Wood's plans for action were thus checkmated, in spite of the fact that newspaper comment upon his attitude was favorable at this time. Hopes were expressed that the legislature would comply with his recommendation,<sup>76</sup> while one editor went so far as to say that the "banner of the Lone Star shall be again unfurled; not for *offence*, but for *defence*, and those who were foremost to cry aloud for annexation, will be foremost to sever the country from a *Union* that embraces but to crush and destroy."<sup>77</sup>

Just at this juncture a letter from Major P. J. Pillans, whom Baird had left in charge of his affairs in Santa Fé, was made public in Texas. In it Pillans stated that the opposition to Texas

<sup>72</sup>Austin *State Gazette*, November 10, 1849.

<sup>73</sup>*Ibid.*, November 17, 1849. No bound volume of the House Journals for the third legislature is available, but the *Gazette* printed the journals of both houses, in full.

<sup>74</sup>*Ibid.*, November 24, 1849; also *Senate Journal*, 3rd Legislature, 117.

<sup>75</sup>*Ibid.*, December 1, 1849.

<sup>76</sup>See *Houston Telegraph and Texas Register*, *Austin State Gazette*, *Nacogdoches Times*, and *Marshall Texas Republican*, for this period.

<sup>77</sup>Austin *State Gazette*, December 1, 1849.

in Santa Fé could never be overcome.<sup>75</sup> At the same time Baird's reports had begun to arrive, and in one of them he stated that one of the secrets of opposition on the part of the people in New Mexico was a fear that grants of land which had been made previously would become void under Texan jurisdiction.<sup>76</sup> In order to counteract this feeling, the lower house of the legislature, on December 3, adopted a resolution looking toward the passage of a law under which the citizens of Santa Fé might be granted land within the limits of Santa Fé county as it then existed.<sup>80</sup> During this same week, however, news reached Texas concerning the New Mexican convention which had been called by Colonel Beall. Intense excitement was manifested, and an immediate forcible occupation of the region was advocated.<sup>81</sup> But Governor Wood's administration was too near its close for any definite steps to be taken, and his final act in the matter was the submitting of Baird's correspondence, to the legislature, on December 11.<sup>82</sup> Baird, himself, had by this time become disheartened because of criticism of his work by the newspapers, and expressed his determination to resign as soon as possible.<sup>83</sup>

In his first message to the legislature, Bell referred to the repeated disregard by the federal authorities for the Texan rights in New Mexico, and agreed with Wood that the question should be brought to an issue at once. The failure of the legislature to support Wood's recommendations, however, led him to suggest that it was not necessary that the whole power and resources of the state should be placed at the disposal of the governor, but that he should be authorized "to send to Santa Fé, if the necessity for doing so shall continue to exist, a military force *sufficient* to enable the civil authorities to execute the laws of the State in that part of the territory, without reference to any anticipated action of the Federal Government, or regard to the military power of the United States stationed at Santa Fe." In his opinion this force should be used only in case the citizens of Santa Fé continued reluctant

<sup>75</sup>*Ibid.*, December 29, 1849, quoting from the *Bonham Advertiser*.

<sup>76</sup>Baird to Miller, September 23, 1849, in *Santa Fé Papers*, Texas State Library.

<sup>80</sup>*Austin State Gazette*, December 22, 1849.

<sup>81</sup>*Ibid.*, December 8, 1849.

<sup>82</sup>*Senate Journal*, 3rd Legislature, 223.

<sup>83</sup>Baird to Evans, December 11, 1849, in *Marshall Texas Republican*, January 24, 1850.

to submit to the civil jurisdiction of Texas, after the military forces of the United States ceased to exercise such functions. He also concurred with Wood on the question of sending a commissioner to Washington, but felt that Texas should first decide upon the course to be pursued in case the mission proved futile, in order that the commissioner might at once make known the position of his state.<sup>84</sup> This same message also included a suggestion that the territory lying north of the parallel of thirty-six degrees, thirty minutes, be sold to the United States government for the purpose of liquidating the public debt of the state.<sup>85</sup>

The legislature now became active once more, and on December 31, 1849, new boundaries were designated for Santa Fé county, decreasing its size, and from the remainder of the original county, as organized in 1848, the three new counties of Presidio, El Paso, and Worth were created.<sup>86</sup> Presidio county was to include all the territory between the Rio Pecos and the Rio Grande, from the junction of the two rivers north to a line running straight northeast to the Pecos from a point on the Rio Grande where the Ford and Neighbors trail first touches that stream, "as defined by a map compiled by Robert Creuzbaur, date of 1849." This map shows the trail as striking the Rio Grande about one hundred miles south of El Paso.<sup>87</sup>

El Paso county included the territory between the two rivers from the northern boundary of Presidio county to a line extending from a point on the Rio Grande, twenty miles above the town of San Diego, due eastward to the Pecos. This line was also to form the southern boundary of Worth county, which was to cover the

<sup>84</sup>Bell's message to the legislature, December 26, 1849, in *Senate Journal*, 3rd Legislature, 285-287; also in *Austin State Gazette*, December 29, 1849.

<sup>85</sup>Similar suggestions had been made previously by both Henderson and Wood, but these seem to have been for an indiscriminate sale of any unoccupied lands within the state. See Miller, *Financial History of Texas*, 118. Memucan Hunt, attorney for a number of the creditors, in 1849, published a pamphlet entitled *The Public Debt and Lands of Texas*, and in this he seems to have originated the idea of selling a definite portion of the territory claimed by the state. For a reference to the pamphlet and a brief sketch of its contents, see *De Bow's Commercial Review*, VII, 273. A copy of the pamphlet itself, is in the *Bancroft Collection*, University of California.

<sup>86</sup>Gammel, *Laws of Texas*, III, 462-463.

<sup>87</sup>The map is in Creuzbaur, *Guide to California and the Pacific Coast*. See also a letter from James S. Ford to the editor of the *Texas Democrat*, written June 18, 1849, in *Ibid.*, 4-5.



region northward to a line running directly east to the Pecos from a point on the Rio Grande twenty miles above the town of Sabine. The remainder of the region which had formerly been allotted to Santa Fé county was now designated as the new county of Santa Fé.<sup>88</sup> The four counties were specified as the eleventh judicial district,<sup>89</sup> and in the reapportionment of representatives in the Texas legislature, the four were combined into one senatorial district, while Santa Fé county was allowed a representative in the lower house, and the other three counties together were given a representative.<sup>90</sup>

On January 4, 1850, an act was passed providing for the appointment of a commissioner to organize each county, by laying it off into convenient districts, or precincts, and by holding elections for county officers, and notifying the proper state official of the result of these elections.<sup>91</sup> On the following day Governor Bell drew up an address to the citizens of these four counties, in which he explained that their territory had long been included in the limits of Texas, but that the necessity of centering her attention upon the struggle for independence had rendered it impracticable to organize the region earlier. They were now informed that organization had been provided for, and that Robert S. Neighbors had been selected by the governor to accomplish this organization, the principal motive being to extend to them the advantages which other Texans held; and they were therefore invited to "hold the most free and unrestricted intercourse with him and . . . to lend him such assistance and protection" as his presence among them might require.<sup>92</sup>

Neighbors was instructed to proceed as quickly as possible to the counties which were to be organized, and to circulate this address, which, it was thought, should prepare the people for ready acquiescence. His method of procedure upon arrival was explained, and he was especially warned that while he should act with firmness and decision, he should also "observe that mildness and courtesy of manner which is so well calculated to inspire confidence and esteem, and remove all prejudices which may hereto-

<sup>88</sup>Gammel, *Laws of Texas*, III, 459-460.

<sup>89</sup>*Ibid.*, III, 462.

<sup>90</sup>*Ibid.*, III, 479, 481.

<sup>91</sup>*Ibid.*, III, 464-465.

<sup>92</sup>*Senate Journal*, 3rd Legislature, 2nd sess., appendix, 69-71; also *Houston Telegraph and Texas Register*, March 7, 1850.

fore have existed in respect to the government, and our people as a race."<sup>93</sup> He was already familiar with the country which he was to organize, having been a special Indian agent for the United States government in the El Paso region, and he set out at once to begin his work.<sup>94</sup> His salary as commissioner was voted to him in advance,<sup>95</sup> and at the same time the legislature resolved that all the territory east of the Rio Grande was included in the rightful civil and political jurisdiction of the state, and that she was determined to maintain the integrity of this territory.<sup>96</sup>

Baird at once began to make preparations for returning to Santa Fé in order to be on hand to hold court as soon as Neighbors succeeded in organizing the region. Before leaving Austin, however, he submitted to Governor Bell a series of suggestions, covering numerous points which had been omitted in the plans for organization, and which he deemed to be necessary, in order to gain the confidence of the people of that region. Among other things, he felt that the territory should have been divided into seven counties, corresponding with the ones then existing under the Mexican law; that the Pueblo Indians should be induced to settle on the frontiers; that the Mexican laws with regard to irrigation, mining, and herding cattle should be perpetuated; that the wood and the salt deposits should be reserved from private appropriation and declared to be the common property of the people for their free use; and that English schools should be established there to the full extent of the means that could be raised by Texas.<sup>97</sup> During his previous stay in the region, he had apparently been studying the situation, but the officials in Texas failed to recognize the soundness of his suggestions, and therefore no changes were made in the plans for organization.

<sup>93</sup>Webb to Neighbors, January 8, 1850, in *Senate Journal*, 3rd Legislature, 2nd sess., appendix, 72-74.

<sup>94</sup>Bancroft, *History of Arizona and New Mexico*, 455, purports to give the personnel of the Neighbors party, but the party named was one which accompanied him in the spring of 1849, on one of his trips as Indian agent. See Ford to the editor of the *Texas Democrat*, June 18, 1849, in Creuzbaur, *Guide to California and the Pacific Coast*, 4.

<sup>95</sup>Gammel, *Laws of Texas*, III, 773. Neighbors was later granted the sum of \$1256.51 to reimburse him for expenditures made while on this mission. *Ibid.*, III, 786.

<sup>96</sup>*Ibid.*, III, 645-646; also Bancroft, *History of the North Mexican States and Texas*, II, 399.

<sup>97</sup>Baird to Bell, February 27, 1850, in *Senate Journal*, 3rd Legislature, 2nd sess., appendix, 74-81.

El Paso was reached by Neighbors about the middle of February, and he began his work of organization there. On February 23, Major Van Horne reported to the authorities at Santa Fé that the Texas commissioner was busy holding elections and circulating messages from the governor of Texas.<sup>98</sup> Van Horne felt that according to Munroe's instructions of December 28, which were the last he had received, one of the two conditions had come upon which the civil jurisdiction of his command could be surrendered to Texas, and therefore, he offered no opposition. On the same date, Neighbors himself wrote to Munroe, stating that since he had found no opposition to the extension of the Texan jurisdiction in the El Paso region, he had issued writs of election, and expected to accomplish the organization there in a short time. He added that as soon as was possible he would proceed to Santa Fé, and upon his arrival there he would submit to Munroe his instructions from the governor of Texas, and ask for his "friendly co-operation in organizing all the territory belonging to this state, into counties, and to extend over the inhabitants, the civil laws of the state."<sup>99</sup>

One month later, he reported to Governor Bell that El Paso county was fully organized, and that the officers who had been elected had entered upon the discharge of their duties.<sup>100</sup> According to other reports which reached Austin, the people of El Paso were highly gratified at being organized under the laws of Texas, and 765 votes were cast in the election for county officers.<sup>101</sup> Neighbors now reported that it was impossible to go to Presidio county without an armed escort, because of the enmity between the Indians and the few white inhabitants of the region, and also that the organization of Worth county would depend upon that of Santa Fé, since both were under the same influence. In the accomplishment of the latter, he felt that he faced two handicaps: first, a lack of necessary funds, and, second, the absence of proper pledges to the people in regard to their lands. He com-

<sup>98</sup>Van Horne to McLaws, February 23, 1850, in Abel (editor), *Official Correspondence of James S. Calhoun*, 163.

<sup>99</sup>Neighbors to Munroe, February 23, 1850, in *House Ex. Doc.* 66, 31st Cong., 1st sess. (Ser. no. 577), p. 2.

<sup>100</sup>Neighbors to Bell, March 23, 1850, in *Senate Journal*, 3rd Legislature, 2nd sess., appendix, 1-6.

<sup>101</sup>Austin *State Gazette*, April 27, and May 4, 1850. William Cockburn arrived from El Paso, April 26, and brought this information.

plained that Howard and his party, concerning whom Van Horne had been inquiring, were already located on land belonging to others, thus causing prejudice against Texas.<sup>102</sup>

At the time that Neighbors' letter of February 23 reached Santa Fé, no answer for Colonel Munroe's letter of the previous November had as yet come from Washington, but he had at least found the earlier instructions. He at once issued orders to all officers commanding posts in and near the territory claimed by the state of Texas, to "observe a rigid non-interference" with Neighbors "in the exercise of his Functions and equally avoid coming in conflict with the Judicial authorities created by that State."<sup>103</sup> When the reports began to reach Santa Fé that a Texas commissioner was on his way to organize New Mexico, there was talk of resistance,<sup>104</sup> and this spirit was encouraged by a proclamation published on the next day after Munroe issued his orders for strict neutrality, by Joab Houghton, one of the judges of the superior court in New Mexico under the military government. In this proclamation, Houghton advised the people not to go to the polls which the Texas commissioner would open, for they should be neither loyal nor obedient to Texas, but on the contrary, were in duty bound to resist any attempt on her part "for the unjust usurpation of our land and boundaries." He proposed that each county hold meetings on the following Monday for the purpose of drawing up resolutions upon the Texan claims, and felt that if the people would observe his directions, "the present mission of the Commissioner of Texas will be as useless as that of Judge Baird."<sup>105</sup>

Thus when Neighbors arrived in Santa Fé on April 8, he not only found that he would be forced to work without the assistance of the military officers, but also that he would receive little encouragement from the people themselves. He reported, however, that he was courteously received by the inhabitants, but that he

<sup>102</sup>Neighbors to Bell, March 23, 1850, *op. cit.*

<sup>103</sup>Munroe to Beall and others, March 12, 1850, in *House Ex. Doc.* 66, 31st Cong., 1st sess. (Ser. no. 577), p. 2; also in Abel (editor), *Correspondence of James S. Calhoun*, 164.

<sup>104</sup>Calhoun to Brown, March 16, 1850, in Abel, *op. cit.*, 163. A similar report was carried to St. Louis by traders from Santa Fé. See *Austin State Gazette*, May 25, 1850.

<sup>105</sup>Houghton's proclamation, March 13, 1850, in *Senate Journal*, 3rd Legislature, 2nd sess., appendix, 11-12; also in *Austin State Gazette*, June 8, 1850.

found Munroe favorable to the existing state of affairs, while Houghton expressed a determination to imprison any person who should attempt to enforce the laws of Texas. He was told by members of the original state party that they were now willing to aid him in the organization, but that they believed that it would be necessary for Texas to send a military force to New Mexico before she could exercise jurisdiction.<sup>106</sup> Feeling, however, that those inhabitants who were favorable to Texas were in the minority under the existing state of affairs, Neighbors now decided to defer the calling of an election for Santa Fé county as organized by the legislature of Texas.<sup>107</sup>

But at about the same time that Neighbors reached Santa Fé, Colonel McCall also arrived with information concerning the attitude of the President toward statehood, and in the new possibilities, Neighbors was ignored. As a result of McCall's message notices were posted, on April 13, calling the citizens of Santa Fé county, New Mexico, to a meeting to be held a week later for the purpose of passing resolutions in favor of a state form of government, and of requesting the governor of the territory to call a convention to form a state constitution.<sup>108</sup> As soon as Neighbors had seen these notices, he protested to Colonel Munroe against such an action, on the basis of the constitutional provision that no state should be formed within the jurisdiction of another state, without the consent of the legislature of the state concerned. He held that since the government of Texas had expressed its determination to maintain inviolate all the territory within her boundaries, which had been guaranteed to her by the annexation resolution, the move for a state government in New Mexico would be a violation of that provision.<sup>109</sup>

Munroe was now confronted with a dilemma. He had not only received instructions to maintain neutrality in the boundary dispute, but he had also been told through Colonel McCall to give assistance to any steps which the people of New Mexico might desire to take toward securing a state government. Under ordi-

<sup>106</sup>Neighbors to Bell, June 4, 1850, in *Ibid.*, 7-10.

<sup>107</sup>*Idem*; Davis, *El Gringo*, 110-111, states that he issued a proclamation calling an election, but no evidence of this is to be found in Neighbors' own reports.

<sup>108</sup>*Sen. Ex. Doc.* 56, 31st Cong., 1st sess. (Ser. no. 561), p. 14.

<sup>109</sup>Neighbors to Munroe, April 14, 1850, in *Ibid.*, 15; also *Senate Journal*, 3rd Legislature, 2nd sess., appendix, 12.

nary circumstances, these instructions would have caused no trouble, but owing to the fact that the Texas government was at the time attempting to organize the region, the move for a state government in New Mexico meant a direct conflict with the Texan claims. But he did not hesitate long. Just three days after the meeting was held to formulate the petition to him, he issued a proclamation naming May 15 as the date for the desired constitutional convention.<sup>110</sup>

None of his actions in connection with the question seemed destined to receive the full approval of the various departments of the government, however, for before the summer was over his course was questioned from three different causes, by as many different parties. His order of March 12, enjoining non-interference on the part of the commanders under him, brought a resolution from the House of Representatives, asking the President for an explanation. In reply, the Secretary of War referred the members to the letters of instructions written by both himself and his predecessor to the commanding officer at Santa Fé.<sup>111</sup> A short time afterward, the Senate took up the matter from another angle, and demanded of the President, information concerning the orders which had authorized Colonel Munroe to oppose or prevent the exercise of Texan jurisdiction over the Santa Fé region. Aside from Munroe's mistake of December 28, which had by this time been corrected by the order of March 12, this was a deliberate disregard for the actual happenings. President Taylor answered that no such orders had been given, and submitted to the Senate the correspondence in connection with Van Horne's inquiry of September 23. He then brought up the question of the activity of Neighbors in the New Mexico region, and stated that although he had "no power to decide the question of boundary, and no desire to interfere with it," he believed that the territory in question was actually acquired by the United States from Mexico, and had since been held by the United States. For this reason, it was his opinion that it "ought so to remain until the question of boundary shall have been determined by some competent authority."<sup>112</sup> And he had stated earlier what he deemed this competent authority to be. This meant another step in the adminis-

<sup>110</sup>*Sen. Ex. Doc.* 60, Part II, 31st Cong., 1st sess. (Ser. no. 561), p. 2.

<sup>111</sup>*House Ex. Doc.* 65, 31st Cong., 1st sess. (Ser. no. 577), p. 1.

<sup>112</sup>*Sen. Ex. Doc.* 56, 31st Cong., 1st sess. (Ser. no. 561), p. 1.

tration's attitude on the question. The policy had developed from the instructions under Polk, that neutrality was to be broken only in case of need from Texas, through the early policy of the Taylor administration, of non-interference with the Texan efforts; and now non-interference was made to apply the other way. Texas should not attempt to interfere with the possession of the territory by the United States.

The question which caused the greatest excitement, however, came from the governor of Texas. As soon as Munroe issued his proclamation calling a constitutional convention, Neighbors withdrew from Santa Fé, and immediately upon his arrival at the Texas capital he submitted to Governor Bell a detailed report upon his mission.<sup>113</sup> When the contents of this report became public, the anger of the Texans was at once aroused. It was held that the action of Munroe was an insult of the grossest character, and committed upon the rights and dignity of the people of Texas "an outrage beyond which it was not possible to go." They felt that the matter had now been brought to a definite issue, and suggestions were made that the claim should be enforced by military power,<sup>114</sup> while it was also claimed that when Texas was admitted into the Union as a state, her people believed that the limits as defined by the government of the republic would be respected. If they had been in error when they voted for annexation, it was but just, according to their belief, that the whole question should be reconsidered, and in that case they were represented as being as willing to leave the Union as they had been to join it. A mass meeting which was held at Austin on June 8 gave voice to these sentiments,<sup>115</sup> and during the months of June, July, and August, similar meetings were held throughout the state, all of them expressing the same sentiments.<sup>116</sup>

Governor Bell at once took steps to meet the situation. On June 12, he wrote to Baird, who had returned to Santa Fé, urging him to leave that place immediately, and proceed to El Paso

<sup>113</sup>Neighbors to Bell, June 4, 1850, *Senate Journal*, 3rd Legislature, 2nd sess., appendix, 7-10.

<sup>114</sup>Austin *State Gazette*, June 8, and 15, 1850.

<sup>115</sup>*Ibid.*, June 15, 1850; also *Niles' Register*, LXXV, 156-157.

<sup>116</sup>*Ibid.*, *passim*. On August 14, the La Grange *Texas Monument* states: "There has been but one solitary meeting in the State, we believe, which has passed a resolution declaring the opinion that the time has not arrived for action."

in order to check any attempts which might be made to shake the allegiance of that region to Texas. At the same time he was to keep the governor advised concerning the developments at Santa Fe.<sup>117</sup> On June 13, he wrote to the Texan delegation in Congress, stating the situation, and voicing his intention to act,<sup>118</sup> while on the following day he wrote to President Taylor, demanding an explanation of the steps taken by Munroe, especially as to whether he had acted under orders from his government, and whether his proclamation met the approval of the President.<sup>119</sup> In addition to this, a special session of the legislature was called for August 12, in order that the methods for meeting the situation might be properly determined upon.<sup>120</sup>

The letter to the President did not reach Washington until after Taylor's death, and therefore went to his successor, who placed it in the hands of Daniel Webster, the new Secretary of State, to be answered. Webster answered the first of the two questions asked by Governor Bell, by quoting from the instructions of November 19, to Colonel McCall, thus upholding Munroe's action. In answer to the second question, he stated that if the call for a convention intended to settle the boundary question, it was not approved by President Fillmore, for the oft repeated reason that the power of making that settlement belonged solely to Congress. But he held that such was not the intention of the convention, and pointed out that it could not make such a settlement because its acts were ineffectual until they were ratified by Congress. And he added that since "it is the right of all to petition Congress for any law which it may constitutionally pass, this people were in the exercise of a common right when they formed their constitution with a view to applying to Congress for admission as a state," and for this reason the President felt bound to approve the conduct of Colonel Munroe in issuing the proclamation.<sup>121</sup> Throughout the letter there can be seen a veiled suggestion that Texas had as little authority to interfere in the boundary question, as had the President; and there is also a carefully worded hint that unless she

<sup>117</sup>Bell to Baird, June 12, 1850, in *Senate Journal*, 3rd Legislature, 2nd sess., appendix, 81-83.

<sup>118</sup>Austin *State Gazette*, July 13, 1850.

<sup>119</sup>Bell to Taylor, June 14, 1850, in *House Ex. Doc. 82*, 31st Cong., 1st sess. (Ser. no. 579), pp. 6-7.

<sup>120</sup>Austin *State Gazette*, July 6, 1850.

<sup>121</sup>Webster to Bell, August 5, 1850, in *House Ex. Doc. 82. op. cit.*, 7-12.



refrained from interfering, it would be the duty of the President to see that the treaty of Guadalupe Hidalgo, as a part of the supreme law of the land, was sustained in every particular, down to the maintaining of the inhabitants of the territory in the free enjoyment of their liberty and property.

In submitting this correspondence to Congress, however, President Fillmore was less guarded than Webster had been in his language. He reiterated the claim, on the New Mexican side, that the territory had always been regarded as an integral and essential part of New Mexico, and after stating that the Texas legislature had been called into session for the purpose of establishing her own jurisdiction, and her own laws over the region by force, he added:

These proceedings of Texas may well arrest the attention of all branches of the government of the United States; and I rejoice that they occur while the Congress is yet in session. It is, I fear, far from being impossible, that in consequence of these proceedings of Texas, a crisis may be brought on which shall summon the two houses of Congress—and still more emphatically the executive government—to an immediate readiness for the performance of their respective duties. . . . The constitutional duty of the President is plain and peremptory, and the authority vested in him by law for its performance, clear and simple. . . . If Texas militia, therefore, march into any one of the other states, or into any territory of the United States, there to execute or enforce any law of Texas, they . . . are to be regarded merely as intruders; and if, within such state or territory, they obstruct any law of the United States, either by power of arms, or mere power of numbers, constituting such a combination as is too powerful to be suppressed by the civil authority, the President of the United States has no option left to him, but is bound to obey the solemn injunction of the Constitution, and exercise the high powers vested in him by that instrument and by the acts of Congress.<sup>122</sup>

In sending this message to Congress, the President submitted no other evidence than Governor Bell's letter and Webster's reply, and the meagerness of the information furnished concerning the probability of forceful measures in Texas made the tone of the message decidedly alarmist. That government officials had more information concerning the actual developments in Texas than they cared to divulge, however, is shown in the work of General Winfield Scott, who was at the time acting Secretary of War. On the same day that Fillmore's message was written, General Scott

<sup>122</sup>Fillmore's message to Congress, August 6, 1850, in *Ibid.*, 1-6.

notified Colonel Munroe that about 750 additional troops were being sent to Santa Fé, for the double purpose of protecting against Indians, and against "another and more painful contingency" which might be apprehended. This new contingency, he explained, was the probability that unless the disputed boundary between Texas and New Mexico was soon established by Congress, a large body of troops would be raised by Texas and sent to New Mexico to effect by force of arms the extension of the Texan civil and political jurisdiction over that part east of the Rio Grande. In order that Munroe might be able to meet the demands in event this should happen, Scott proceeded to give him full instructions as to the necessary course of action under the various probable methods of procedure which might be used by the Texan invaders. Munroe was told, however, to profit by all opportunities to avoid a resort to violence; but a warning was also added, not to lose any advantage by delaying, and to resist the encroachment vigorously when it became necessary to protect the people of New Mexico against violence and the destruction of their property.<sup>123</sup>

During the same time that this official correspondence was being carried on, developments were also under way in the region which was being discussed. The convention for the formation of a state constitution, which had met on May 15, in accordance with Munroe's call, completed its work on May 25, and within a month the constitution had been adopted by practically a unanimous vote.<sup>124</sup> The limits prescribed for the state were to begin at the Rio Grande just north of El Paso, and extend from there east to the one hundredth meridian; thence north along the one hundredth meridian to the Arkansas river; thence up that stream to its source; thence in a direct line to the Colorado river of the West at its intersection with the one hundred and eleventh meridian; thence south on that meridian to the boundary between the United States and Mexico, and along that boundary back to the Rio Grande, down which it was to run to the point of beginning.<sup>125</sup> The notable feature in this boundary is the fact that just as the Texas boundary act of 1836 had included territory which by right of occupation belonged

<sup>123</sup>Scott to Munroe, August 5, 1850. in Abel (editor), *Official Correspondence of James S. Calhoun*, 164-165.

<sup>124</sup>The vote was 6,771 for the constitution; 39 against it. *Sen. Ex. Doc.* 74, 31st Cong., 1st sess. (Ser. no. 562), p. 2.

<sup>125</sup>*Ibid.*, 2-3.

to New Mexico, so did this constitutional provision reciprocate by laying claim to territory which Spanish decrees unquestionably included in Texas. But it was at last a definite boundary claim on the part of New Mexico—the first tangible limits which had ever been named for a province established 250 years previously.

The adoption of a state constitution did not, however, bring an end for the complications in New Mexico. In the election of state officers, Henry Connelly was chosen governor, and Manuel Alvarez, lieutenant-governor.<sup>126</sup> In the absence of Connelly, Alvarez assumed charge of the government and proceeded to nominate such officers as the constitution required. Here Colonel Munroe interposed with the declaration that the military authority remained in force until Congress agreed to the admission of New Mexico as a state, or substituted some other form of government, and that he would consider any move to appoint officers "as an act, on the part of all concerned, in direct violation of their duties as citizens of the United States."<sup>127</sup> Alvarez proved obstinate, however, and refused to concede that the military government could continue to exist without the consent of the people, and on July 20, he issued a proclamation, in accordance with an act of the legislature established by the constitution, ordering elections to be held on the second Monday in August for the purpose of choosing county officers in each of the eight counties<sup>128</sup> of the state.<sup>129</sup>

On the same day, Baird, who, not having received Governor Bell's letter of June 12, was still in Santa Fé, issued a proclamation for the holding of an election in Santa Fé county, Texas, for the purpose of choosing both state and county officers under the Texas rule. This election was to be held on the first Monday in August, in accordance with a proclamation of the governor of Texas, calling for a general election throughout the state.<sup>130</sup> This situation seemed to forebode trouble for Colonel Munroe, and as a result, three days later, on July 23, he issued a proclamation announcing his purpose of maintaining the military organization

<sup>126</sup>Bancroft, *History of Arizona and New Mexico*, 448.

<sup>127</sup>Munroe to Alvarez, July 12, 1850, in *Austin State Gazette*, September 14, 1850.

<sup>128</sup>Socorro county had been created from a part of the territory of Valencia county, by a legislative act, approved July 5, 1850.

<sup>129</sup>This proclamation appears in Abel (editor), *Official Correspondence of James S. Calhoun*, 234.

<sup>130</sup>*Ibid.*, 233.

in New Mexico until he was otherwise instructed from Washington.<sup>131</sup> Not much excitement seems to have been aroused over these three conflicting efforts,<sup>132</sup> and Munroe's disposition of his troops effectively prevented either of the two elections from being held.<sup>133</sup> Thus with the military government once more firmly in control of affairs in New Mexico, there was nothing to be done in that region but to await the decision of Congress upon the question of organization and of territorial jurisdiction. Baird moved on to El Paso, therefore, and announced his intention of holding court in that place on the first Monday in October.<sup>134</sup>

In Texas, however, during this same period, developments of a different nature were in progress. The legislature met on August 12, in accordance with the call of the governor, and on the following day he submitted his message. In it he reviewed the most prominent facts and circumstances connected with the Texan relations with Santa Fé, and described the development of opposition, both local and national, stating at the same time his belief that the state had no choice but to meet the situation. He said:

It must be met boldly and fearlessly and determinedly. Not by further supplication or discussion with the Federal authorities. Not by renewed appeals to their generosity and sympathy. Not by a longer reliance on the delusive hope that justice will yet be extended to us; but by action, manly and determined action on our part, by a prompt assertion of our rights, and a practical maintenance of them with all the means we can command '*at all hazards and to the last extremity.*'

He repeated, therefore, his request of the previous December that he be authorized to raise a force sufficient to occupy Santa Fé, and made suggestions as to the methods of securing the necessary funds for financing such a move.<sup>135</sup> As a preparatory measure, Bell made plans to issue commissions for the raising of such a force, in order that it might be ready in case the legislature granted the

<sup>131</sup>*Ibid.*, 234-235.

<sup>132</sup>Calhoun to Brown, July 31, 1850. in *Ibid.*, 232.

<sup>133</sup>Calhoun to Brown, August 13, 1850, in *Ibid.*, 252-253.

<sup>134</sup>La Grange *Texas Monument*, September 25. 1850.

<sup>135</sup>Bell's message to the legislature, August 13, 1850, in *Senate Journal*, 3rd Legislature, 2nd sess., 1 ff. In commenting upon this message the La Grange *Texas Monument*, August 21, 1850, states that at least two regiments should be raised.

authority, and it was estimated that at least five thousand men were ready to volunteer for the undertaking.<sup>136</sup>

The legislature spent the first two weeks of the session in a general discussion, but on August 26, Webster's letter of August 5 to Governor Bell arrived in Austin, and was immediately submitted to both houses.<sup>137</sup> Action began at once. On the same day the senate took up a bill to provide for organizing the militia of Texas, and requiring the governor to call into the service of the state three thousand mounted volunteers, for the purpose of suppressing the insurrection in the counties of Worth and Santa Fé.<sup>138</sup> Other bills were also introduced, providing the necessary funds, by setting aside special amounts from the school fund of the state; by levying a special tax upon the assessments of that year; and by allowing the use of the proceeds which might arise from the sale of lots to be placed at the disposal of the government in the city of Austin.<sup>139</sup> News was also received at the same time that Congress seemed likely to reach a decision soon,<sup>140</sup> and on the following day an effort was made to add to the bill authorizing the raising of a military force, a clause providing that if the United States government should make a proposition to Texas, before January 1, 1851, for the purchase of any portion of the territory of the state, including the whole, or any part, of the counties of Worth and Santa Fé, the governor should submit this proposition to the voters of the state for their rejection or acceptance. In case of their acceptance, the legislature was to be convened to confirm the sale; in case of their rejection, the governor was to proceed to call together the troops.<sup>141</sup> This was finally passed as a separate bill, and was vetoed by Bell for technical reasons. The legislature then adjourned on September 6, without taking any other definite action upon the question, much to the disappointment of a large proportion of the people of the state.<sup>142</sup> This left nothing for the Texans, themselves, but to follow the example of the New

<sup>136</sup>*Austin State Gazette*, August 24, and 31, 1850.

<sup>137</sup>*Senate Journal*, 3rd Legislature, 2nd sess., 36.

<sup>138</sup>*Ibid.*, 44-45.

<sup>139</sup>*Ibid.*, 48-50. These bills followed the suggestions made by Bell in his message of August 13.

<sup>140</sup>*Austin State Gazette*, August 31, 1850.

<sup>141</sup>*Senate Journal*, 3rd Legislature, 2nd sess., 56.

<sup>142</sup>*Austin State Gazette*, September 7, 1850.

Mexicans in waiting for news of Congressional action upon their boundary claims.

*Congressional Action upon the Question.*—Throughout the entire period of two years in which these local developments were taking place, Congress was also deeply involved in discussing exactly the same problem.<sup>143</sup> Even before the close of the war, in 1848, the question of boundaries had been brought up in that body, and the discussion had gradually changed from a partisan to a sectional character as a result of the slavery question. By the early months of 1850 the situation had become sufficiently acute to alarm such a leader as Henry Clay, with the result that he included the question of the western boundary of Texas in his series of resolutions which he hoped would bring about "an amicable arrangement of all questions in controversy between the free and the slave states, growing out of the subject of slavery."<sup>144</sup> Two months of discussion failed to bring about a settlement, and on April 19 the Senate selected a committee of thirteen members, with Clay as chairman, to work out a scheme of compromise which would adjust all the questions with which slavery was connected.<sup>145</sup> On May 8, this committee submitted the series of measures which came to be known as the Compromise Bill of 1850, and included in the proposals was a new provision for the settlement of the Texas boundary.<sup>146</sup>

The suggestions naturally brought further discussion, and it was while this debate was in progress in Congress that Neighbors reported to the governor of Texas concerning his failure in organizing the New Mexican region for his state. Governor Bell's protest reached Washington in July, and President Fillmore's message of August 6 found the discussion at fever heat. The danger which this message implied, of a conflict in the southwest, together with reports which were reaching the capital concerning the attitude of Texas, brought an awakening to the absolute necessity of a speedy settlement of the issues involved, in order to prevent a

<sup>143</sup>This phase of the question is better known, and therefore a brief summary is sufficient for the purpose of the present paper. The fullest statement of the activities of Congress during 1850 in connection with the subject, is Spillman. *Adjustment of the Texas Boundary, 1850*, in THE QUARTERLY, VII, 177-195.

<sup>144</sup>*Congressional Globe*, 31st Cong., 1st sess., 244-245.

<sup>145</sup>*Ibid.*, 774, 780.

<sup>146</sup>*Ibid.*, 944-948.

general rebellion.<sup>147</sup> In order to hasten the settlement of the slavery question, James A. Pearce, of Maryland, had already moved in the Senate to strike out of the compromise measure all that related to Texas and New Mexico.<sup>148</sup> This motion was adopted, thus bringing the first step in the break up of the compromise, and Pearce then introduced a bill providing for the establishment of the northern and western boundary of the state of Texas, and for the relinquishment of the territory claimed by her outside of the limits which he defined. The lines suggested by him form the present boundary of Texas, and in consideration of the reduction of her boundaries from those previously claimed, Texas was to receive ten million dollars.<sup>149</sup>

The new dangers which had arisen brought about the immediate consideration of this bill, and it was passed by Congress, after an amendment was added, providing for the organization of New Mexico as a territory, and was signed by President Fillmore on September 9. In November the legislature of Texas voted to accept its provisions, thus bringing to a close a controversy which had brought grave dangers for the national government. The boundary thus agreed upon was far enough west to conciliate the Texans; far enough north to please various interests in the United States; and far enough east to satisfy the advocates of the New Mexican rights; while the sum offered to Texas was almost the exact amount needed to cancel her public debt. Each of the three interested parties had been forced to make concessions, and yet each had gained its fundamental aims, and therefore the settlement made would seem to present the nearest possible approach to the establishment of justice for all.

<sup>147</sup>Alexander H. Stephens, of Georgia, declared in the House that "The first Federal gun that shall be fired against the people of Texas without the authority of the law will be a signal for the freemen from the Delaware to the Rio Grande to rally to the rescue." *Ibid.*, appendix, 1083. Clay expressed a similar fear. *Ibid.*, appendix, 1412.

<sup>148</sup>*Ibid.*, appendix, 1473, 1479, 1487.

<sup>149</sup>*Ibid.*, 1555.